Secdt. II-27—100,000—22-5-52.

(2)

Home (1952) Department.

MS. **SERIES.**

G.O. No. 3712.

Dated 15-10-1952

[Despatch Abstract.]

COURTS - Criminal - P.R.Cases - Evidence - Grouping of Witnesses- Issue of instruction to Assistant Public Prosecutors - Orders passed.

GOVERNMENT OF MADRAS

ABSTRACT

COURTS - Criminal - P.R. Cases - Evidence - Grouping of witnesses- Issue of instruction to Assistant Public Prosecutors - Orders. passed.

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HOME DEPARTMENT

G.O.Ms.No.3712. Dated 15--10--1952.

READ the following:-

From the Registrar, High Court, Madras, R.o.c. No.8004/51-B1 dated 27-3-1952.

From the Collector of Bellary, D.Dis.1249/52/E1, dated 11-6-1952.

From the Collector of Ramanathapuram, L.Dis.5446/52, dated 10/6/1952.

From District Magistrate, Tiruchirapalli, L.Dis.4441/52M dated 17-6-1952.

From the Inspector General of Police, Madras, F.o.c. No.1040/Crime/52, dated 21-6-1952.

From the District Magistrate, Tanjore, L.Dis.8241/52-MCL dated 21-6-1952.

From the District Magistrate, East Godavari, Nc.L.Dis. 2220/52 dated 27-5-1952.
330

From the District Magistrate, Malabar, L.Dis.6906-M/52 dated 30-6-1952.

From the Collector of Krishna, L.Dis.2715-M-52, dated ~~30-8-1952~~. 12-7-1952.

From the District Magistrate, Madurai, L.Dis.3229.M./52, dated 9-7-1952.

From the High Court, R.o.c.No.6004 of 1951 B, dated 16-8-1952.

From the Collector of Visakhapatnam, M.L.Dis.2353/52, dated 25-8-1952.

ORDER:

A Division Bench of the High Court in its judgment in C.A.Nos.644 to 648 of 1950, observed as follows:-

"The record of ecidence is a most bulky one and must have given the learned sessions Judge a great deal of unnecessary toil and labour. We find the evidence of witnesses unfolded in disjointed sequences and groups of witnesses deposing to the same transaction needlessly vivisected. For instance, P.W.3 is separated from his wife, P.W.122, by no less than 119 witnesses, though we find the husband and wife rightly cited as P.W.13 and P.W.14 in the chargesheet. There may have been some special reason or the wife not being able to give evidence immediately after her husband. We are quite unable to follow however why P.W.1 was similarly separated from his brother

p.t.o

P.W.88 and why the latter who was so important a witness who wrote the first detailed information to the village munsif in a complaint was examined so late. Then we have P.W.1's mother examined as P.W.106 though she was sleeping near P.W.1, his wife, P.W.2 and P.W.88, Similarly we have P.W.24's father examined as as P.W.95, though both were in the same house at the time of the raid. The wife of P.W.125 was examined as P.W.27, This is perhaps excusable as P.W.125 was not in the village that night. It is manifestly necessary and convenient to examine in a case of this kind a group of connected witnesses together and one after the other. There has been a great deal of confusion and disorder in the manner in which the evidence was unfolded at the trial. There was a special Prosecutor for the conduct of this case, Sri B.Ramachandra Rao, who was present in Court during the arguments. His explanation is that he was the Assistant Public Prosecutor of Krishna who conducted the whole of the Prosecution in the Committing Court. He says he thought the Public Prosecutor would conduct the case at the sessions and that he was taken by surprise when he received orders to do so at very short notice, and that the witnesses were examined in the order in which they were bound over and in which they were available.. There appears to have been no attempt made to co-ordinate the sequence of this prosecution. To avoid a repetition of this most unsatisfactory state of affairs and resultant confusion, we would give a direction to all Assistant Public Prosecutors during the committal stage, to furnish directly it is over, the committing Magistrate with the sequence in which witnesses should be bound over for examination at Sessions, grouping them in a manner convenient for facile unfolding of the evidence at the trial. We have been put to very great inconvenience ourselves in referring to the evidence on record and fully appreciate the wholly unnecessary labour which this confused sequence of evidence has entailed on the trial Judge. Needless to say the Assessors who heard the evidence must have been completely fogged by the manner in which the evidence was adduced."

2. The Government agree with the above observations of the Judges. In any case expected to last for more than a week in Sessions and immediately the case is committed, the Assistant Public Prosecutor who conducted the preliminary enquiry should prepare, in consultation with the Public Prosecutor concerned, and furnish to the committing Magistrate, a list showing the sequence in which witnesses should be bound over for examination at Sessions, grouping the witnesses in a manner convenient for the facile unfolding of evidence at the trial. The Collectors are requested to issue suitable instructions in this regard to all Assistant Public Prosecutors and Public Prosecutors in their respective districts.

(BY ORDER OF THE GOVERNOR OF MADRAS)

O.Pulla Reddi,
SECRETARY TO GOVERNMENT.

To All Collectors except the Collector of Madras.
To The Inspector General of Police, Madras.
To The Commissioner of Police, Madras.
To The Registrar, High Court, Madras.
Copy to all Sessions Judges.

[TRUE COPY]

R. Thayagarajan 27.7.56
Superintendent,
MADRAS RECORD OFFICE.

sps/20/7

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